

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Northeastern Graphic Supply, Inc.

Plaintiff

*

V.

*

CIVIL ACTION NO:
05-11299-JLT

Graphic Color Corporation, a division of
Consolidated Color Corporation

*

Defendant

*

* * * * *

**MOTION FOR A NOTICE TO SHOW CAUSE FOR DEFENDANT'S
FAILURE TO COMPLY WITH THE PAYMENT ORDER ISSUED BY
THIS COURT ON NOVEMBER 3, 2005**

The Plaintiff obtained a Judgment against the Defendant in the United States Bankruptcy Court for the District of Maine on January 4, 2005 in the amount of \$33,589.74. The Judgment was later registered in the United States District Court for the District of Massachusetts on March 21, 2005 and a first Execution was issued on March 21, 2005.

Pursuant to an Order of Reference by Judge Joseph L. Tauro the within matter was referred to United States Magistrate Judge, Robert B. Collings, who then on June 27, 2006 ordered Lawrence H. Cohen to appear for the purpose of being examined under oath as to the defendant's property and ability to pay the judgment.

On November 3, 2005, this matter came on for hearing for an examination of Debtor's assets and ability to pay, counsel for Judgment Creditor, counsel for Judgment Debtor (collectively, Graphic Color Corporation and Consolidated Color Corporation) and Lawrence H. Cohen, President appearing. After examination United States Magistrate Judge Robert B. Collings ordered the Judgment Debtor to pay to the Plaintiff the sum of \$5000.00 on each of the following dates: December 5, 2005. March 31, 2006, June 30, 2006, September 29, 2006, and December 29, 2006. A copy of said Order is attached hereto as Exhibit "A".

The Order further stated that "Failure to obey the within order shall result in a prosecution for contempt of court".

The Order further stated that the case “is no longer referred to Magistrate Judge Collings”.

It is respectfully requested that this Court issue a Notice to Show Cause to be served upon Lawrence H. Cohen, president of Judgment Debtor, upon the following certification, and that after hearing, appropriate sanctions be imposed for failure of the Judgment Debtor to comply with the above order of this Court.

CERTIFICATION

I, Kenneth E. Karger, attorney for the Judgment Creditor, do hereby certify that the Judgment Debtor has made the first two Court ordered payments of \$5000.00 each, but that the judgment Debtor has failed to comply with this Court order, by not making the ordered payment of \$5000.00 due on June 30, 2006. Notice of said payment due was given to Judgment Debtor's counsel in advance of June 30, 2006, on June 22, 2006 by telephone. Notice of said non compliance was given to Judgment Debtor's counsel by telephone on July 12, 2006 who responded that Judgment Debtor lacked the funds to make payment and was seeking to sell the business.

Further calls were made to judgment Debtor's counsel on July 17, 2006 where counsel's office reiterated that Judgment Debtor planned to sell the business and pay off the total debt.

I made further calls on July 18, July 21, and July 24, 2006 and decided to wait until August 1, 2006 for payment. My latest calls have not been responded to, nor has the Judgment Debtor filed any pleading with this Court nor provided me with any documentation showing Judgment Debtor was actively pursuing a sale of the business nor has there been any assurance when payment would be forthcoming; and that non-compliance with the Order of this Court remains outstanding.

Northeastern Graphic Supply, Inc.

By its attorneys

/s/ Kenneth E. Karger, Esq.

Kenneth E. Karger, BBO# 259880
KARGER LAW OFFICES
15 Court Square, Suite 230
Boston, MA 02108
617 367-2992

Dated: _August 16, 2006

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Northeastern Graphic Supply, Inc.
Plaintiff

v.

**CIVIL ACTION NO:
05-11299 JLT**

Graphic Color Corporation,
A division of Consolidated Color Corporation,
Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date set forth below the foregoing **MOTION FOR A NOTICE TO SHOW CAUSE FOR DEFENDANT'S FAILURE TO COMPLY WITH THE PAYMENT ORDER ISSUED BY THIS COURT ON NOVEMBER 3, 2005** was served either (a) by electronic transmission to the Clerk, US District Court via the Court's CM/ECF system, and simultaneously through such transmission to the parties also electronically noticed thereby, or (b) where electronic transmission is inapplicable, service of the same was effected either via 1st class US mail, prepaid or by telefax, all as set forth in "A" respectively.

Dated: August 16, 2006

/s/ Kenneth E. Karger, Esq.

Kenneth E. Karger

"A"

by CM/ECF electronic transmission

Clerk, US District Court, District of Massachusetts

RJ.Cohen@verizon.net

by non-electronic transmission – 1st class mail:

Richard Cohen, Esq.
1185 Falmouth Road
Centerville, MA 02632

CERTIFICATE OF COMPLIANCE WITH
LOCAL RULE 7.1

Pursuant to Local Rule 7.1, on behalf of the Plaintiff I placed telephone calls to Mr. Richard Cohen, the Defendant's counsel, as stated in my Certification as a part of the Motion.

/s/ Kenneth E. Karger, Esq.

Kenneth E. Karger, BBO#259880
Karger Law Offices
15 Court Square, Suite 230
Boston, MA 02108
(617) 367 2992

Dated: _August 16, 2006

EXHIBIT "A"

United States District Court District of Massachusetts

NORTHEASTERN GRAPHIC SUPPLY, INC.,
Plaintiff,

v.

CIVIL ACTION NO. 05-11299-JLT

GRAPHIC COLOR CORPORATION,
A Division of Consolidated
Color Corporation,
Defendant.

ORDER

COLLINGS, U.S.M.J.

After a judgment debtor examination held this date, GRAPHIC COLOR CORPORATION and CONSOLIDATED COLOR CORPORATION are ORDERED jointly to pay to the plaintiff the sum of \$5,000.00 on each of the following dates: December 5, 2005, March 31, 2006, June 30, 2006, September 29, 2006 and December 29, 2006.

Failure to obey the within Order shall result in a prosecution for contempt of court.

The Clerk shall enter on the docket the fact that the case "is no longer

referred to Magistrate Judge Collings.”

/s/ Robert B. Collings

ROBERT B. COLLINGS

United States Magistrate Judge

Date: November 3, 2005.